

### **REMARKS/ARGUMENTS**

Applicant has carefully reviewed and considered the Office Action mailed on April 14, 2005, and the references cited therewith.

Claims 1, 2, 7, 9-10, 21, and 23-24 are amended, claim 8 is canceled, and no claims are added; as a result, claims 1-7, and 9-33 are now pending in this application.

#### **Claim Objections**

Claim 21 is objected to because “compirator” should be “comparator.”

Claim 21 has been amended to make the appropriate correction.

Claim 7 is objected to because “the temperature of the heater is determined to not be rotating” is grammatically unclear. Temperatures cannot rotate.

Claim 7 has been amended to clarify its dependence from claim 6, which depends from claim 1.

#### **§102 Rejection of the Claims**

Claims 1-6, 8-19, 21, and 23-33 were rejected under 35 USC §102(b) as being anticipated by Ogawahara, et al (U.S. Patent No. 6,411,785). Applicant respectfully traverses the rejection as follows.

Regarding claim 1, the Examiner cites the Ogawahara, et al., reference as describing “a control mechanism (63) that the [sic] controls the heater to: reduce heat provided to the heater (69) when the temperature of the heater is determined to be above a predetermined maximum heater temperature.” Column 11, lines 16-22, of the Ogawahara reference recites:

A temperature sensor 70 as a third temperature detecting section which contacts to the surface of the external temperature roller 55 detects the surface temperature of the external heating roller 55 and the control board 63 controls the surface temperature of the external heating roller 55 so that it rises to predetermined temperature, e.g., 180 °C.

The reference appears to describe a temperature sensor connected to a control system that modulates effective temperature of the external heating roller (by moving it

away from the fuser roller rather than actually reducing a temperature of the heater) when the temperature of the external heating roller rises too high.

In contrast, Applicant's claim 1, as amended, recites "a control mechanism including software that controls the heater to: reduce heat provided by the heater when the temperature of either the heater, the fuser roller, and the pressure roller is determined to be above a predetermined temperature". Support for this claim language is found in the Application as originally filed in paragraph [0017] on page 5 and in paragraphs [0027] and [0028] on page 7. The Ogawahara reference does not show the temperature of the pressure roller to be a factor to be considered by the control software in reducing the heat provided by the heater. Nor does the Ogawahara reference describe that the temperature of the heater is actually reduced based on either of these three different temperature considerations.

Regarding claim 23, the Examiner states that "the fusing system above also reads on the method for controlling temperature of a fusing system." Claim 23, as amended, recites "reducing heat provided by the heater when the temperature of either the heater, the fuser roller, and the pressure roller is determined to be above a predetermined temperature." As stated with regard to claim 1, the Ogawahara reference does not show the temperature of the pressure roller to be a factor to be considered by the control software in reducing the heat provided by the heater.

As such, Applicant respectfully submits that each and every element and limitation is not present in the cited reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 102 rejection for independent claims 1 and 23, as well as those claims that depend therefrom.

Claims 1, 2, 18, and 19 were rejected under 35 USC §102(b) as being anticipated by Fuji (U.S. Patent No. 4,977,431). Applicant respectfully traverses the rejection as follows.

Regarding claim 1, the Examiner cites the Fuji reference as describing "a heater (31) external to the fuser roller (10) and applying heat to the fuser roller when the heater is operated to apply heat." The Examiner goes on to say that the reference "reads on reducing heat provided by the heater when the temperature of the heater is determined to be above a predetermined maximum heater temperature." The Fuji reference states in column 5, lines 30-37, that: "[W]hen the temperature of the first detecting means 41 is 165 °C. and the temperature of the second detecting means 42

reaches about 205 °C. . . . the comparator 43 stops output of the trigger signal.” By stating “the first detecting means 41” and “the second detecting means 42,” the reference appears to describe, as determined by examination of Figure 2, a heat detector (41) on the fixing roller (10) and a heat detector (42) on the external heat roller (30) contributing to reducing heat provided by the external heat roller. The reference does not show a heat detector on the pressure roller (20) and does not describe “a control mechanism including software that controls the heater to: reduce heat provided by the heater when the temperature of either the heater, the fuser roller, and the pressure roller is determined to be above a predetermined temperature”.

In contrast, Applicant’s claim 1, as amended, recites “a control mechanism including software that controls the heater to: reduce heat provided by the heater when the temperature of either the heater, the fuser roller, and the pressure roller is determined to be above a predetermined temperature”. Independent claim 1, as amended, uses the temperature of the pressure roller as a factor to be considered by the control software in reducing the heat provided by the heater and the Fuji reference does not.

As such, Applicant respectfully submits that each and every element and limitation is not present in the cited reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 102 rejection for independent claim 1, as well as those claims that depend therefrom.

#### §103 Rejection of the Claims

Claims 7 and 21 were rejected under 35 USC §103(a) as being unpatentable over Ogawahara, et al (U.S. Patent No. 6,411,785) in view of Anthony, et al (US 2003/0021611). Applicant respectfully traverses the rejection as follows.

For the reasons provided above, Applicant submits that independent claim 1, from which claims 7 and 21 indirectly depend, is in condition for allowance. That is, Ogawahara does not describe, teach, or suggest “a control mechanism including software that controls a heater to: reduce heat provided by the heater when the temperature of either the heater, the fuser roller, and the pressure roller is determined to be above a predetermined temperature”. From Applicant’s review, the Anthony, et al., reference does not cure the deficiencies of the Ogawahara reference.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of dependent claims 7 and 21.

Claim 22 was rejected under 35 USC §103(a) as being unpatentable over Fuji (U.S. Patent No. 4,977,431) in view of Yamamoto, et al (JP 04-204858). Applicant respectfully traverses the rejection as follows.

For the reasons provided above, Applicant submits that independent claim 1, from which claim 22 indirectly depends, is in condition for allowance. That is, Fuji does not describe, teach, or suggest “a control mechanism including software that controls a heater to: reduce heat provided by the heater when the temperature of either the heater, the fuser roller, and the pressure roller is determined to be above a predetermined temperature”. From Applicant’s review, the Yamamoto, et al., reference does not cure the deficiencies of the Fuji reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of dependent claims 7 and 21.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney Gregg W. Wisdom at (360) 212-8052 to facilitate prosecution of this matter.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

**CERTIFICATE UNDER 37 CFR §1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS AMENDMENT Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this 20<sup>th</sup> day of June, 2005.

Shannon L. Day  
Name

[Signature]  
Signature

Respectfully Submitted,  
Bartley M. Hirst, et al.

By their Representatives,  
BROOKS & CAMERON, PLLC  
1221 Nicollet Avenue, Suite 500  
Minneapolis, MN 55403

By:

[Signature]  
Edward J. Brooks III  
Reg. No. 40,925

Date:

6/20/2005